REMARKS

Responsive to the final Office Action mailed October 15, 2008, Applicants provide the following. Claims 1-15 are pending in the application, with Claims 1, 5, and 10 being the only independent Claims. Applicants have presented a current Claim listing for the convenience of the Examiner. No amendments to the Claims are currently submitted.

By way of this amendment, Applicants have made a diligent effort to place the Claims in condition for allowance. However, should there remain any outstanding issues, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Claim Rejections – 35 U.S.C. §103

Claims 1-3, 6, and 10-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Doi et al. (U.S. Pat. Pub. 2004/0158853) in view of Betz et al. (U.S. Pat. Pub. 2003/0126605). Applicants traverse these rejections and submit that the above cited combination fails to render at least Independent Claims 1 and 10 obvious.

Claim 1 recites in part:

> "characterizing descriptors as individually correspond to a plurality of discrete selectable items of data …
> while displaying a selected discrete selectable item of data:
> using the characterizing descriptors … to provide at least one selection criterion;
> using that at least one selection criterion to identify at least another one of the plurality of discrete selectable items of data; and
> displaying information regarding the at least another one of the plurality of discrete selectable items of data at a time that is temporally proximal to a conclusion of displaying the selected discrete selectable item of data."

The above cited references and their combination fail to describe or suggest each limitation as recited in at least Claim 1. The Applicants, in the previous response, stated that the Examiner equates the TV programs of Doi with the recited "selectable item of data." However, in the present Office Action, the Examiner states that the data related to programs rather than the actual program being shown is what the Examiner reads as being "items of data" (Office Action, pg. 2).

Applicants respectfully submit that in stating that Doi describes, "displaying a selected discrete selectable item of data," the Examiner cites to paragraph 52 of Doi. The cited portion recites:

> [0052] "To see a desired program without selecting it from the program guide window, the viewer can operate a program selection button 201 at the lower left corner of the program guide window using the remote controller to end display of the program guide window and directly select the desired program, as in the prior art (step S5)."

The cited paragraph clearly discusses displaying the "desired program," which corresponds to the TV program. In fact, the cited portion is specifically directed to seeing a program without selecting it from the program guide, which contains the data related to programs, which the Examiner equates with the "items of data." (see Doi, [0047] and [0052]; also see Office Action, pg. 2). Applicants respectfully submit that because the data related to programs is not being discussed in this paragraph, the cited portion fails to describe or suggest "displaying a selected discrete selectable item of data" as recited in Claim 1.

Furthermore, neither the cited portion nor any other portion of Doi describe or suggest "using the characterizing descriptors as correspond to the selected discrete selectable item of data to provide at least one selection criterion" as recited in at least Claim 1. As illustrated in FIG. 3 of Doi, the data related to programs, which the Examiner has equated with the recited items of data are displayed to the user as a list, and no selection criterion or any other data is provided to the user while displaying the data related to programs based on descriptors corresponding to the data relating to the programs. Therefore, the Doi reference fails to describe or suggest providing selection criterion to the user. In suggesting the Doi describes such limitation the Examier cites to paragraph 44 of Doi, however nothing in this paragraph describes providing selection criterion based on descriptors corresponding to the data relating to the programs.

Still further, Doi fails to describe or suggest "characterizing descriptors as individually correspond to a plurality of discrete selectable items of data" as recited in at least Claim 1. The Examiner in suggesting that Doi describes this limitation cites to paragraph 44 of Doi. Paragraph 44 of Doi discloses "Televisual programs ... are classified into categories such as 'for children' and 'for old-aged', and identifiers for uniquely identifying a televisual program, broadcasting station, a day of the week, and time are described." The data relating to the programs, which the

Examiner equates with the "discrete selectable items of data," are not described as having any characterizing descriptors, and instead all of the data discussed in paragraph 44 of Doi relates to the televisual programs (see Office Action, pg. 2 and Doi, [0044]). Further, the Applicants were unable to find any other language in Doi that describes providing characterizing descriptors for the data relating to the TV programs (equated with the discrete selectable data items of Claim 1). Therefore, Doi fails to describe or suggest this limitation.

The Examiner submits that Doi fails to describe or suggest "displaying information regarding the at least another one of the plurality of discrete selectable items of data at a time that is temporally proximal to a conclusion of displaying the selected discrete selectable item of data," as recited in at least Claim 1, and relies on Betz as describing this limitation. Initially, Applicants submit that Betz fails to describe or suggest this limitation. The Examiner cites to paragraph 27 of Betz as describing this limitation, however the cited portion of Betz describes displaying a program and reverting back to "display the EPG grid guide 14 or, alternately, a VOD/Jukebox ordering menu" after the displaying of the program has ended. Therefore, the information displayed is not related to another program selected based on a search criterion and instead is either the EPG grid guide 14 or a VOD/Jukebox ordering menu which is related to the program that was already displayed (see Betz, [0027]).

Still further, even assuming that Betz does describe the limitation as recited in Claim 1, the combination of Doi and Betz does not result in the method as recited in Claim 1. The Examiner has equated the "selectable item of data" as recited in Claim 1, with data relating to a program which is displayed within an EPG program guide as describe in Doi and displayed in FIG. 3 of Doi (see Doi, [0044], Office Action, pg. 2). Therefore, one skilled in the art would appreciate that the combination, if such combination was to be madewould not alter the manner in which data relating to programs is represented as illustrated in FIG. 3 of Doi because the cited portion of Betz deals with actual displaying of programs and not data relating to programs. Therefore, the modification of the Doi reference with the cited portion of the Betz reference would not result in a method as recited in at least Claim 1.

Claim 10 recites language similar to that of Claim 1 at least with respect to "providing selection criterion," "characterizing descriptors" and "display[ing] information regarding the at least another one of the plurality of discrete selectable items of data at a time that is temporally proximal to a conclusion of displaying the selected displayed discrete selectable item of data." Therefore, at least for the reasons discussed above, the combination of Doi and Betz also fails to render Claim 10 obvious.

Claims 2-3 and 11-15 depend from Claims 1 and 10 respectively. As such, Claims 2-3 and 11-15 are also not obvious in view of the cited combination at least due to their dependence on allowable independent Claims 1 and 10. Rejected dependent Claim 6 is likewise believed to be patentable at least by virtue of it dependence on patentable Claim 5 (discussed below).

Furthermore, with respect to at least Claims 3 and 11 Doi fails to describe or suggest "discrete selectable items of audio/visual content." The Examiner in his response to Applicant's previous arguments states that "discrete selectable items" as recited are equated with Doi's data relating to programs (Office Action, pg. 2). The data as depicted in at least FIG. 3 and described in various portions of Doi (see at least Doi, [0044]) is textual content, and therefore, does not describe or suggest audio/visual content. As such Claims 3 and 11 are not obvious in view of the above cited combination.

Claim 4 stands rejected under 35 U.S.C 103(a) as being unpatentable over Doi in view of Betz and further in view of Wilder et al. (U.S. Publication No. 2003/0051246). Applicants traverse these rejections and submit that the above cited combination fails to describe or suggest each limitation as described in at least Claim 4.

Claims 4 depends from allowable Claim 1. As such, Claim 4 is not obvious at least due to its dependence on allowable independent Claim 1. As discussed above Doi and Betz fail to describe or suggest each limitation as recited in at least Claim 1 which Claim 4 depends upon. Furthermore, Wilder also fails to describe or suggest the limitations that are not described in Doi and Betz. Therefore, Claim 4 is not obvious in view of the cited combination.

Furthermore, the Wilder reference fails to describe or suggest wherein the plurality of discrete selectable items of audio/visual content are embodied in a plurality of media. The Examiner states that Wilder discloses combining EPG data from a plurality of different sources into a single EPG. However, even if arguendo Wilder does disclose this limitation, this does not describe or suggest audio/visual content embodied in a plurality of media. The EPG data of Wilder and Doi are textual data related to program data and therefore, are not audio/visual content, and as such fail to describe or suggest audio/visual content embodied in a plurality of media. Therefore, Claim 4 is not obvious in view of the cited combination.

Claim 9 stands rejected under 35 U.S.C 103(a) as being unpatentable over Doi and further in view of Wilder.

Claims 9 depends from allowable Claim 5 (discussed below). As such, Claim 9 is not obvious at least due to its dependence on allowable independent Claim 5. As discussed with respect to Claim 5 Doi fails to describe or suggest each limitation as recited in at least Claim 5 which Claim 9 depends upon. Further, Wilder also fails to describe or suggest the limitations that are not described in Doi. Therefore, Claim 9 is not obvious in view of the cited combination.

Furthermore, the Wilder reference fails to describe or suggest wherein the plurality of discrete selectable items of audio/visual content are embodied in a plurality of media. The Examiner states that Wilder discloses combining EPG data from a plurality of different sources into a single EPG. However, even if arguendo Wilder does disclose this limitation, this does not describe or suggest audio/visual content embodied in a plurality of media. The EPG data of Wilder and Doi are textual data related to program data and therefore, are not audio/visual content, and as such fail to describe or suggest audio/visual content embodied in a plurality of media. Therefore, Claim 9 is not obvious in view of the cited combination.

Claim Rejections – 35 U.S.C §102

Claims 5, 7, and 8 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Doi. Applicants traverse these rejections and submit that Doi fails to describe or suggest at least each limitation as described in independent Claim 5.

Specifically, Doi fails to describe or suggest "discrete selectable item of audio/visual content" as recited in at least Claim 5. The Examiner cites to paragraph 54 of Doi as describing this audio/visual content. The Examiner in response to Applicants previous arguments states that the data related to programs as disclosed in Doi is equated with the discrete selectable item of audio/visual content as recited. However, both FIG. 3 and FIG. 6 as discussed in paragraph 54 and throughout Doi illustrate the data relating to a program is textual data describing the program to be depicted, and therefore, does not describe or suggest audio/visual content being displayed (see Doi, FIGs. 3 and 6, [0054]). Furthermore, Doi itself clearly states that "video and audio data" is extracted after the user has selected a program using the data relating to the program and therefore, teaches away from displaying the audio/visual content until the user actually selects a program, which is after the data relating to the program is displayed according to paragraph 54, and FIGs. 3 and 6 of Doi. Therefore, Doi fails to anticipate at least Claim 5.

Claims 7 and 8 depend from allowable Claim 5, and are not anticipated by Doi at least due to their dependence on Claim 5.

CONCLUSION

Applicants submit that the above remarks place the pending Claims in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

Respectfully submitted,

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